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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107

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(RED)

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

7 24 1986

In Reply Refer to: 3HW12

Congoleum Nairn  
c/o Martin J. Sendeki  
Manager - Environmental  
Congoleum Corporation  
Resilient Flooring Division  
P.O. Box 3127  
Trenton, NJ 08619

Re: Douglassville Disposal Site  
(Berks Associates, Inc.)

Dear Mr. Sendeki:

The Environmental Protection Agency (EPA), by this letter, notifies you that your company is a Potentially Responsible Party (PRP) for contamination at the Douglassville Disposal Superfund Site in Douglassville, Pennsylvania.

The site, located in Union Township, southeastern Berks County (see Enclosure 1) was a former waste oil recycling facility operated by Berks Associates, Inc., from 1941 until early 1986. Chemical analyses of samples taken from all environmental media have indicated that a broad range of hazardous substances have been released into the environment from the site. Hazardous substances found in air, water, or soil samples taken from the site include but are not limited to benzene, toluene, xylene, trichloroethene, ethylbenzene, tetrachloroethene, 1,2-dichloroethane, 1,1,1-trichloroethene, PCBs, phthalates, lead, and chromium. Several of these substances have been found in the surface waters and sediments of the nearby Schuylkill River. Direct exposure to these substances could pose a significant health threat.

EPA has determined that action at the site is necessary and EPA encourages your participation in the activities described below. We request that you designate a contact person for this matter in order to facilitate prompt discussion of the issues involved. As further detailed below, EPA hereby requests that within fourteen (14) calendar days of your receipt of this letter, you notify EPA whether you are interested in participating in this project.

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Under Sections 106(a) and 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9601 et seq. (CERCLA), as amended by the Superfund Amendment and Reauthorization Act of 1986, Public Law 99-499, 100 Stat. 1613 (October 17, 1986) (SARA), responsible parties may be obligated to implement any needed relief actions as determined by EPA and may also be liable for all costs incurred by the government in responding to any release or threatened release of hazardous substances at the site. Such costs can include, but are not limited to, expenditures for investigation, planning, cleanup of the site, and enforcement.

Under Section 107(a) of CERCLA, responsible parties include: 1) present owners or operators of the site; 2) owners or operators at the time of disposal; 3) any person who arranged for disposal or treatment of hazardous substances at the site; and, 4) transporters of hazardous substances to the site who also selected the site in question. EPA has obtained information which indicates that you and/or your company are included in one or more of these categories and therefore may be liable under Section 107. This information was requested under Section 104(e) of CERCLA and primarily includes office records (i.e., invoices, delivery slips, bills of lading, etc.) obtained from Berks Associates, Inc. Enclosure 2 includes all or portions of the information obtained by EPA which connects your company to the Douglassville site. (Your receipt of all or portions of the documentation is dependent on documentation volume.)

The EPA has expended public funds to investigate releases of hazardous substances at the Douglassville Disposal Site. EPA may spend additional public funds on action to further investigate and control these releases. Unless EPA determines that a PRP will properly perform such actions, EPA intends to do so pursuant to Section 104 of CERCLA and the National Contingency Plan (NCP), 40 C.F.R. Section 300.68.

To date, EPA has completed various studies of the Douglassville Disposal Site as referenced in Table 1-1 of Enclosure 3. Enclosure 3 also includes the Executive Summary and Introduction portions of the recently completed Final Remedial Investigation/Feasibility Study (RI/FS) for the Douglassville Disposal Site. This study, completed in October 1988, provides the final data needed to select a remedial alternative for final cleanup of the site.

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Shortly, EPA will select an alternative for site remediation which will be formalized in a document entitled the Phase II Record of Decision (ROD). The remediation option selected in this Phase II ROD will address all portions of the site except the former processing facility. A ROD addressing the former processing facility was approved in June 1988. EPA has recently prepared a work plan to implement the remedial option chosen in this June 1988 ROD.

Following completion of the Phase II ROD, EPA will conduct the following activities unless a PRP or group of PRPs agree to implement such actions:

1. Designing and implementing the EPA-approved remedial option (Remedial Design (RD)/Remedial Action (RA));
2. Providing any monitoring and maintenance necessary after remedial measures are completed.

As a precursor to the approved Phase II ROD, EPA has prepared a document entitled the Proposed Plan which briefly describes the alternatives evaluated during the Phase II RI/FS, discusses EPA's preferred alternative (including the estimated cost) and explains why EPA believes our proposed selection is the appropriate remedial action. Enclosed you will find the Proposed Plan prepared for the Douglassville Disposal site Phase II cleanup (Enclosure 4).

At this time, based on the information available to you in the Proposed Plan, EPA will consider an immediate offer from you to conduct, in accordance with pertinent EPA guidance and supervision, the chosen RD/RA for the site.

If you should decide to participate in the RD/RA process for the Douglassville site, you should indicate that interest in a letter to the EPA official identified on page 4 within fourteen (14) calendar days of your receipt of this letter. Your letter should indicate the appropriate name, address, and telephone number for further contact with you. If we do not hear from you by that time, EPA will assume that you decline any involvement in the RD/RA and will proceed with the appropriate studies and response actions needed to secure the site. EPA may later invite you to undertake the implementation of the selected remedy upon the Agency's completion of the Remedial Design.

If you have any questions regarding the above, please do not hesitate to contact Jack Kelly of my staff concerning technical matters and James Heenehan of our Office of Regional Counsel concerning legal issues. Mr. Kelly's telephone number is (215) 597-3168; Mr. Heenehan's number is (215) 597-8916.

Sincerely,

  
w/ Stephen R. Wassersug, Director  
Hazardous Waste Management Division

Enclosures

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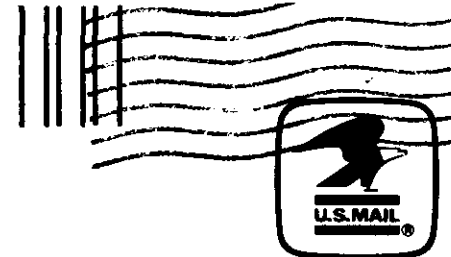
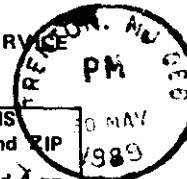
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\_\_\_\_ Mr. Jack Kelly (3HM12) \_\_\_\_\_  
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\_\_\_\_ Hazardous Waste Branch \_\_\_\_\_  
\_\_\_\_ 841 Chestnut Building \_\_\_\_\_  
\_\_\_\_ Philadelphia, PA 19107 \_\_\_\_\_

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